



OWEN SOUND POLICE SERVICE

BOARD POLICY

Issued: December 18, 2024

Reviewed:

Revised:

Expires: Indefinite

Rescinds:

OSPSB GP-012 Complaints of
Misconduct

Table of Contents

1.	Board Policy:	1
2.	General:	2
3.	Policy and Procedure Complaints:	3
4.	Complaints about Sworn Members:	4
5.	Complaints about Special Constables:	4
6.	Complaints Against the Chief of Police or the Deputy Chief of Police:	5
7.	Reporting	5

1. **Preamble:**

- a) April 1, 2024, the Office of the Independent Police Review Director (OIPRD) was renamed the Law Enforcement Complaints Agency (LECA) and the Independent Police Review Director will become the Complaints Director; and
- b) Pursuant to section 134 of the *Community Safety and Policing Act, 2019*, (CSPA) the Complaints Director has the authority to make rules to govern anything related to their duties or powers under the CSPA; and

- c) Any member of the public, subject to the exclusions defined in section 154(2) of the *CSPA*, may make a complaint with the LECA. The complaint may be about the conduct of one or more Police Officers.

2. **Board Policy:**

The Owen Sound Police Service Board (the Board) is committed to maintaining a comprehensive, impartial, and transparent complaints process. This process ensures that any allegations of misconduct against Members are addressed with due diligence, guaranteeing fairness and respect for both Police Service Members and the community they serve.

3. **General:**

- a) The Chief of Police shall ensure that written procedures are in place to maintain an effective and efficient complaint system and to adhere to all requirements under the *CSPA*, associated *Regulations* and any requirements by LECA. The procedures shall provide that:
 - I. Liaison Member (s) are trained to liaise with Supervisors, and to receive and ensure public complaints are investigated in accordance with the *CSPA*;
 - II. Well-defined and comprehensive processes exist for the purpose of investigating public complaints into alleged misconduct by sworn Members and Special Constables;
 - III. Adequate training is provided to all Members of this Police Service in respect of the complaints procedures of this Police Service and relevant parts of the *CSPA*;
 - IV. The Liaison Officer or designate cooperate and follow the direction of the Complaints Director in respect of all public complaints; and
 - V. A mechanism is developed and implemented to provide assistance for public complainants who may not be literate, or who may not be fluent in English.
- b) Any complaints received by a Board Member against a Police Officer or a Special Constable shall be forwarded to the Chair of the Board. The Board shall forward a complaint against a Police Officer to the Complaints Director and shall notify the complainant, in writing, that the complaint has been forwarded to the Complaints Director. The Board shall also provide the complainant with information regarding the role of the Complaints Director;

- c) Any complaints received by the Board about a Special Constable shall be referred to the Chief of Police, and the complainant shall be notified that the complaint has been forwarded to the Chief of Police;
- d) If the Board receives a report from a person or body responsible for reviewing complaints about Police Officers in another Province or Territory about a complaint made against an Ontario Police Officer appointed to act as a Police Officer in that Province or Territory, the Board shall forward the report to the Complaints Director; and
- e) If a person makes a complaint to the Board, a Board Member, or the Chief of Police, or any Member of the Police Service about the conduct of a Board Member, the person or entity in receipt of the complaint shall forward the complaint to the Inspector General, inform the person who made the complaint that the complaint has been forwarded, and provide the person with information about the role of the Inspector General.

4. **Policy and Procedure Complaints:**

- a) If a person makes a complaint to the Board, a Board Member, the Chief of Police, or any Member of the Police Service about:
 - I. The adequacy and effectiveness of policing provided;
 - II. A failure of the Board, Chief of Police, Special Constable employer, Police Service, prescribed policing provider to comply with the *CSPA* or the *Regulations*, other than misconduct, including a systemic failure; and
 - III. The policies of the Board or the procedures of the Chief of Police - the complaint shall be forwarded to the Inspector General, and the person who made the complaint shall be informed that the complaint has been forwarded, and the person shall be provided with information about the role of the Inspector General.
- b) If the Inspector General refers a complaint to the Board about the Board's policies or the procedures of the Chief of Police, the Board shall:
 - I. Review the complaint as it relates to the policies or procedures referred to;
 - II. Report back to the Inspector General within the time specified by the Inspector General, if any, about any steps taken in response to the complaint; and
 - III. Report to the Minister about any steps taken in response to the complaint.

5. Complaints about Sworn Members:

- a) The Chief of Police shall investigate all complaints referred to the Chief of Police by the Complaints Director, in the manner directed by the Complaints Director and in accordance with the requirements of the *CSPA* and associated *Regulations*;
- b) In conducting an investigation, the Chief of Police shall endeavour to ensure that the investigation is concluded within 120 days of its commencement, not including any period during which an investigation is postponed or suspended in accordance with the *CSPA*;
- c) If the timing requirements above are not met in respect of an investigation, the Chief of Police shall give notice of the status of the investigation to the complainant, the person who is the subject of the investigation, the applicable designated authority and the Complaints Director every 30 days until the investigation is concluded unless, in the opinion of the Chief of Police, doing so might prejudice the investigation; and
- d) On concluding an investigation, the Chief of Police shall cause the investigation to be reported on in a written report. The Chief of Police shall promptly give a copy of the report to the Complaints Director. A copy of the report shall be provided to the complainant, the person who was the subject of the investigation, and any applicable designated authority, after the Complaints Director determines that providing a copy of the report will not interfere with a criminal investigation or proceeding.

6. Complaints about Special Constables:

- a) If the Chief of Police receives a complaint made in accordance with *Ontario Regulation 411/23* about a Special Constable employed by a Special Constable Employer, the Chief of Police shall forward the complaint to the Special Constable Employer and will notify the complainant that the complaint has been forwarded to the Special Constable Employer;
- b) If the Chief of Police receives a complaint made in accordance with *Ontario Regulation 411/23* about a Special Constable employed by the Board, the Chief of Police shall provide the complainant with written acknowledgment that the complaint has been received and shall:
 - I. Ensure that the complaint is investigated to determine whether the Special Constable's conduct constitutes misconduct, contravened the terms and conditions of the Special Constable's certificate of appointment or contravened any provision of the *CSPA* or the *Regulations*;

- II. Ensure that any allegations in the complaint of conduct that may constitute criminal conduct are investigated by a Member of the Police Service or of another Police Service;
 - III. Advise the complainant, in writing, of the outcome of the investigation of the complaint and report on the outcome of the investigation to the Board;
 - IV. Endeavour to complete any investigation of a Special Constable under this section within 120 days after receiving the complaint, not including any period during which the investigation is postponed or suspended;
 - V. If the timing requirements above are not met in respect of an investigation, the Chief of Police shall give notice of the status of the investigation to the complainant and to the person being investigated every 30 days until the investigation is concluded unless, in the opinion of the Chief of Police, doing so might prejudice the investigation; and
 - VI. If the Special Constable is found to have engaged in conduct that constitutes misconduct, contravened the terms and conditions of their certificate of appointment or contravened any provision of *CSPA* or its *Regulations*, the Chief of Police shall take appropriate action to remedy the contravention.
- c) Notice to the public about how to make a complaint against a Special Constable shall be published on this Police Service's website.

7. Complaints Against the Chief of Police:

- a) If the Board receives a complaint about the Chief of Police, the Board shall forward the complaint to the Complaints Director in accordance with the *CSPA* and associated *Regulations*; and
- b) The Board shall adhere to all requirements of the *CSPA* and associated *Regulations* in executing its responsibilities under this section and shall seek Legal Counsel as required.

8. Reporting

The Chief of Police shall submit Annual Reports to the Board. The report shall include comparative data for the previous reporting period.

John Thomson
Chair

December 18th, 2024
Date

K. Wardell
Board Secretary

December 18th, 2024
Date